

REMARKS

In the Amendment mailed on 9/1/04 applicants stated;

Applicants note that a certified copy of their EP priority application is not listed as received on the Acceptance Notification. Since this is a PCT National Stage application, it is the responsibility of the International Bureau, not applicants, to furnish such documents. The examiner is therefore requested to contact the International Bureau for a copy of said EP priority application if it is indeed missing from the file.

Since there is no evidence this was done, applicants repeat the request.

Claims 33-64 are pending in this application. Claims 33 and 61 have been amended. Claims 42-46 are withdrawn due to a restriction requirement.

Claims 33-41 and 47-64 are presented for reconsideration.

Applicants have amended their claims in order to more particularly point out and distinctly claim a preferred aspect of their invention. Thus, the limits of originally filed claims 54-60 have been incorporated into claims 33 and 61. No new matter has been added.

Claims 33-41 and 47-64 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite, the examiner suggesting that "body-care and household products" be claimed in the alternative in claim 33. Amended claims 33 and 61 recite "body-care ... or household products". No reason for rejecting claims 34-41, 47-60 and 62-64 is given and none is seen.

It is respectfully submitted that all the claims submitted for reconsideration are in good formal order. Reconsideration and withdrawal of the rejection of claims 33-41 and 47-64 under 35 U.S.C. §112, second paragraph is therefore solicited.

Claims 33-41, 47, 61 and 64 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,356,612 to Guthrie et al.

Guthrie et al. discloses 3 different embodiments:

1st embodiment: an aqueous solution of a surfactant, a fluorescent whitening agent, a pH adjusting agent to adjust the composition pH to about 2-6; and an insoluble peracid precursor.

2nd embodiment: a thickened bleaching product including as essential components in an aqueous solution: a bleach; a bleach activator and a thickening system comprising a surfactant , a fluorescent whitening agent and a pH adjusting agent.

3rd embodiment: a stable, thickened hydrogen peroxide bleaching product including as essential components, in an aqueous solution: a hydrogen peroxide bleach, a bleach activator; a stabilizing system comprising a chelating agent and an antioxidant.

Only the 3rd embodiment has relevance under 35 U.S.C. § 102(b) to the present invention.

According to the definition of amended claim 33, the bleaching product of Guthrie comprising a specific 2-component stabilizing system is outside the definition of the stabilized products of present claim 33. Thus, quite properly, dependent claims 54-60 are not rejected under 35 U.S.C. § 102(b) as being anticipated by this reference. Since the limits of said dependent claims have been incorporated into claims 33 and 61, applicants aver that independent claims 33 and 61, and necessarily all the claims dependent thereon, are not anticipated by Guthrie et al.

Reconsideration and withdrawal of the rejection of claims 33-41, 47, 61 and 64 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,356,612 to Guthrie et al is respectfully solicited in light of the remarks *supra*.

Claims 48-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,356,612 to Guthrie et al. The examiner asserts that Guthrie teaches AOs and synergists and suggests tocopherol and related compounds (see col. 12, lines 22-23) and diaryl amines. The examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a combination of AOs in a dishwashing composition for the stated reasons.

Reconsideration is requested in light of the amendment *supra* and the following remarks.

Guthrie et al teach a machine dishwashing detergent stabilizing system consisting of an antioxidant and a chelating agent. The function of the chelating agent is to sequester heavy metal cations which are present in small amounts among the mineral components in water and which are responsible for catalyzing peroxide homolysis.

The function of the antioxidants is to tie up free radicals formed in the solution.

It is clearly stated that both the chelating agent and the antioxidant should be present in the solution.

From the teaching of Guthrie it also becomes clear that the chelating agent/antioxidant has the function of stabilization during application of the bleaching composition, i.e. the stabilizing effect takes place in an aqueous (laundry) solution. There is no teaching that the chelating agent/antioxidant stabilizes the bleaching composition per se. Hence, a process to prevent photooxidation and autoxidation in a composition for dishwashing is unsuggested by Guthrie.

Reconsideration and withdrawal of the rejection of claims 48-50 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,356,612 to Guthrie et al. is respectfully solicited in light of the remarks *supra*.

Claims 33-41, 47, 61 and 64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 2 319 523 (Hüglin et al.). Said GB corresponds to commonly assigned U.S. Patents 6,117,997, 6,184,375 and 6,284,821.

The reference teaches specific hydroxyphenyltriazines as stabilizers for different organic materials. It has to be noted that the hydroxyphenyltriazines as disclosed in the references are UV absorbers. On page 21 of this reference it is disclosed that in addition to the hydroxyphenyl triazines one or more additional components (C) can be used, like antioxidants:

In addition to the compounds of the formula I the novel compositions may comprise as additional component (C) one or more customary additives, for example antioxidants, other light stabilizers, metal passivators, phosphites or phosphonites. Examples of these are the following:

Examiner cites page 92 of the GB reference to demonstrate that antioxidants are used in cosmetics such as sun protection compositions.

Page 92 discloses in Example B7 a sun protection cream comprising the following ingredients (Phases A, B and C):

Phase A

Ceteareth-6 (and) stearyl alcohol	2%
Ceteareth-25	2%
Cetearyl alcohol	5%
Caprylic/capric triglyceride	5%
Cetearyl octanoate	10%
Vaseline	5%
Compound No. 11	4%

Phase B

Propylene glycol	3.0%
Carbopol 934	0.2%
H ₂ O	63.53%

Phase C

Triethanolamine	0.27%
-----------------	-------

Ceteareth 6 is the polyethylene glycol ether of Cetearyl Alcohol (q.v.) that conforms generally to the formula: $R(OCH_2CH_2)_nOH$ where R represents a blend of alkyl groups derived from cetyl and stearyl alcohol and n has an average value of 6. Ceteareth 6 is used as a surfactant, in particular as an emulsifying agent.

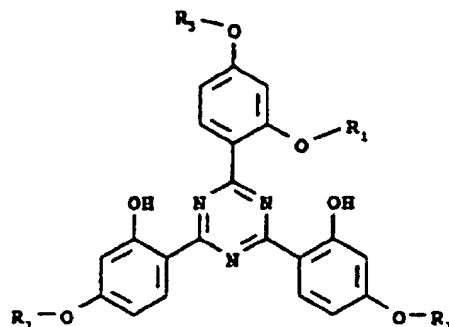
Ceteareth-25 is the polyethylene glycol ether of Cetearyl Alcohol (q.v.) that conforms generally to the formula: $R(OCH_2CH_2)_nOH$ where R represents a blend of alkyl groups derived from cetyl and stearyl alcohol and n has an average value of 25. Ceteareth-25 is also used as a surfactant, in particular as a cleansing agent or a solubilizing agent.

Cetearyl Alcohol is a mixture of fatty alcohols consisting predominantly of cetyl and stearyl alcohols. It is used as an emulsion stabilizer; an opacifying agent; a surfactant, in particular as a foam booster; and a viscosity-increasing agent in aqueous and nonaqueous systems.

Caprylic/Capric Triglyceride is the mixed triester of glycerin and caprylic and capric acids. It is used as a fragrance ingredient and in occlusive skin-conditioning agents.

Cetearyl Octanoate is the ester of Cetearyl Alcohol (q.v.) and 2-ethylhexanoic acid. It is used in emollient skin-conditioning agents.

Compound No. 11 is the hydroxyphenyltriazine of formula



wherein $R_3 = R_1 = \text{CH}_2\text{-CH}(\text{C}_2\text{H}_5)\text{-C}_4\text{H}_9\text{-n}$
(disclosed on page 75). It is a UV absorber.

Triethanolamine is an alkanolamine that conforms to the formula: $\text{N}(\text{CH}_2\text{CH}_2\text{OH})_3$

It is used in fragrance ingredients; as a pH adjuster; and in surfactants, in particular emulsifying agents.

There is no disclosure or suggestion to use an antioxidant in the sun protection cream.

Furthermore, the Examiner cites pages 44 and 45 in order to demonstrate that the GB reference employs the antioxidants in other skin and hair applications.

On page 44 the GB reference teaches that the compounds of formula I, i.e. the hydroxyphenyl-triazines are suitable as UV filters for protecting the skin and hair of humans and animals against the damaging effects of UV radiation. The reference also teaches cosmetic preparations comprising a UV absorber of formula I.

Furthermore, it is disclosed that the cosmetic compositions may also include one or more other UV protecting agents.

But there is no teaching or suggestion to use antioxidants in such cosmetic compositions. Once more it is clearly stated that the hydroxyphenyl triazines act as UV filters. This function is completely different from effectiveness as an antioxidant as claimed in the present invention.

On page 33, the reference teaches the combination of a UV absorber of formula I and a sterically hindered amine. But there is no teaching or suggestion of a combination with phenolic antioxidants. Hence the process of the present invention is neither taught nor suggested by GB.

Reconsideration and withdrawal of the rejection of claims 33-41, 47, 61 and 64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 2 319 523 (Hüglin et al.) is respectfully solicited in light of the remarks *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 33-41 and 47-64 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Kevin T. Mansfield
Agent for Applicants
Reg. No. 31,635

Ciba Specialty Chemicals Corporation
540 White Plains Road
Tarrytown, New York 10591
(914) 785-7127

KTM/21867A1

JUL 05 2005

Enclosures: Petition for 2- month Extension of Time